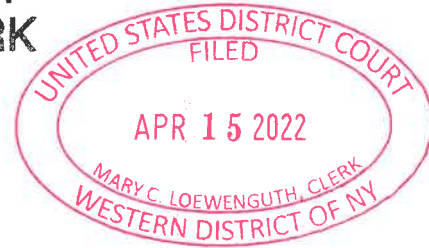


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



FELIPPE MARCUS,

Plaintiff,

vs.

CITY OF BUFFALO, et al.,.

Defendant(s)

1:20-cv-00316-JLS

Honorable: John L. Sinatra Jr.

PLANTIFFS' FIRST SET OF
INTERROGATORIES TO DEFENDANT
CITY OF BUFFALO.

NOW COMES FELIPPE MARCUS, Plaintiff, In
Propria Persona, and pursuant to Federal Rules of Civil
Procedure, **Rule 26 and Rule 33** Plaintiff requests that
Defendant City of Buffalo answer the following
interrogatories. Response is to be made within thirty days.

INSTRUCTIONS AND DEFINITIONS

(a) All discovery requests are to be regarded as
concerning past and present incidents, activities, and
practices.

(b) The singular form should be taken to include the plural, and vice versa.

(c) The term "the incident described in the Complaint" includes, but is not limited to, any contact between Plaintiff and officers of the Buffalo Police Department on or about March 30, 2018, at or near the vicinity of Humboldt Parkway and East DeLavan Avenue, the stop of Plaintiff by officers of the Buffalo Police Department, the interrogation of Plaintiff by officers of the Buffalo Police Department, and the use of force against Plaintiff by officer of the Buffalo Police Department, and the initiation of charges against Plaintiff.

(d) Wherever "you," "defendant," "City of Buffalo," "City," or similar term is used, it should be taken to include all employees, officers, co-workers, and agents of any defendant. "Agent" is used in a broad sense to include anyone acting on behalf or in the interest of, whether directly or indirectly, openly or covertly, or with or without compensation.

(e) These discovery requests are deemed to be continuing, and defendant has the duty to supplement the responses. See Federal Rules Civil Procedure 26(e).

(f) If any form of privilege or other protection from disclosure is claimed as a ground for withholding a document or responsive information contained in a document, set forth with respect to the document, the date, title, identity of the author, subject matter (without revealing the information for which the privilege is claimed), and each and every fact or basis on which you claim your privilege with sufficient specificity to permit the Court to make a determination as to whether the claim of privilege is valid.

(g) The term "document" shall refer to all writings and material of any kind, including, but not limited to, orders, instructions, reports, directives, summaries, interviews, complaints, statements (whether signed or unsigned), transcripts, regulations, memoranda, notes, correspondence (including electronic mail correspondence), computerized data or records, diagrams, maps, and drafts. "Document" also refers to records including, but not limited to, photographs, microfilm, videotape, audiotape, motion pictures, and any other originals and copies.

(h) The terms "police officers" shall refer to officers, employees, or supervisors of the Buffalo Police Department, of whatever rank or assignment.

(i) Due to any privacy concerns, with any documents request, they should first be produce in in-camera review.

INTERROGATORIES

1. That the city "identify and describe all materials used to train officer McKnight, and Humphrey on proper police procedure for detaining persons, the use of excessive force against person, how to handle a person with seizure and the provision of medical assistance in 2018, including police academy, or ongoing in - service training.

2. All records of arrest made by Defendant's McKnight and Humphrey in 2013-2018, including AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

3. All documents regarding injuries to persons arrested or detained by Defendant's McKnight and Humphrey in 2013-2018, including AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

4. Plaintiff seek documents relating to any complaints for administrative violations, misconduct, brutality, harassment negligence, or excessive use of force ever made against Defendant's McKnight and Humphrey, and AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

5. All documents relating to the investigation of any complaint identified in #4 above response.

6. Documents relating to the outcome of any investigation identified in #4, #5 above, including any conclusions or recommendations.

7. All documents relating to communication of the investigation outcome identified from #4 - #6 above, including "who communicated it, to whom, when, and by what means."

8. Plaintiff request the current training materials for the police academy, post - academy field training or ongoing in - service training.

9. Plaintiff seeks training records for Defendant's McKnight and Humphrey regarding detaining persons, accurately identifying whether a person had a seizure, handling seizure person, and the provision of medial assistance to detained person, and including AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

10. Plaintiff asks the City to produce the portions of the policy handbooks and/or manuals, in effect at the time of the alleged incident in 2018, that relate to excessive use of force, seizure, and medical care and attention.

11. Plaintiff requests that the City of Buffalo describe the entire factual basis or bases supporting its affirmative defenses, including whether there is any physical, documentary, or testimonial evidence supporting the defense of immunity.

12. Plaintiff ask for information "in the last 5 years" involving other lawsuits in which the City was a party and wherein the claims concerned an officer involved in excessive force, for the time period of 2013-2018.

13. Please give a concise and sufficiently detailed account of the video in this case with specifics pertaining to all officers involved, and what they are doing. This account shall accompany all paperwork forwarded to the Defendant's supervisor on March 30, 2018, or thereafter, regarding this incident, shown on the video, including AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

14. Plaintiff requests that the City of Buffalo set forth in detail all actions taken and words spoken by each employee and agent presence at the incident in the Complaint?

15. If you claim that you are entitled to qualified immunity in connection with any of the events alleged in the Complaint, for which a claim currently remains, state with specificity all facts upon which you base that contention, including AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

16. This interrogatory asks Defendants to identify "all Complaints that have ever been made against [the individual Defendants] relating to their role as a law enforcement officer" and to provide details regarding those complaints e.g., written or unwritten and AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

17. Plaintiff ask the City of Buffalo for a description of every instance of discipline for any employee of the City of Buffalo (including Buffalo Police Department) for violating a policy relating to the use of force, investigations, provision of medical care or interacting with disabled individuals.

18. Plaintiff ask for information relating to any policy review undertaken since 2018.

19. While at the central booking area, or group holding area, in 2018, was Plaintiff involved in any altercation with any of the officer's including the AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018.

20. Describe your version of the incident in the Complaint.

21. Plaintiff ask whether the City of Buffalo had any policies or procedures "speifically relating to the return of seized property in a timely fashion."

22. Plaintiff asks whether the officers who are Defendants in this case, and AS-YET UNIDENTIFIED BUFFALO POLICE OFFICERS, Defendants shown in video of March 30, 2018, had training "specifically relating to the use of force against persons who exhibit signs of mental illness and/or psychological or emotional distrss."

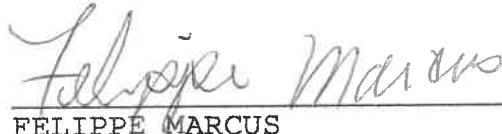
23. Plaintiff asks whether the City of Buffalo had any policies or procedures, prior to March 30, 2018, "specifically relating to the use of force against persons who exhibit signs of mental illness and/or psychological or emotional distress."

24. Plaintiff asks whether the City of Buffalo "maintains any record of instances in which an officer of the Department displays, but does not discharge, a firearm."

25. Please identify each person who has made to you sworn or unsworn statements or provided information for affidavits or statements that relate to the allegations made in Plaintiffs' Complaint and Amended Complaint, and state the information provided.

Respectfully submitted,

Dated: 04/11/2022



FELIPPE MARCUS

In Propria Persona

3205 South Parker Road Apt. 109
Denver, Colorado 80014

cc: FILE FM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FELIPPE MARCUS,

Plaintiff,

vs.

CITY OF BUFFALO, et al.,.

Defendant(s)

1:20-cv-00316-JLS

Honorable: John L. Sinatra Jr.

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing parties a copy of the foregoing document by first class United States mail in a properly addressed envelope with adequate postage thereon.

The individuals served are:

Clerk of the Court
U.S. District Court
304 U.S. Courthouse
68 Court Street
Buffalo, New York 14202

David M. Lee
Assistant Corporation Counsel
65 Niagara Square, 11th Floor
Buffalo, New York 14202

This 11th day of Apr. 1, 2022.

Dated: 04/11/2022

cc: FILE FM

Respectfully submitted,

Felippe Marcus

FELIPPE MARCUS

In Propria Persona

3205 South Parker Road Apt. 109
Denver, Colorado 80014

Mr. Felipe Marcus
In Propria Persona
3205 South Parker Road, Apt. 109
Denver, Colorado 80014

1:20-cv-00316-JLS Marcus v.
City of Buffalo, et al.,.

Hello Sir,

Hey, I am praying that these few words' find you doing well.

First, enclosed you will find the following documents' that I need you to mail to the Court, and Mr. Lee. They are Plaintiffs' First Set of Interrogatories to Defendant's City of Buffalo; and

Plaintiffs' Requests for Production of Documents to Defendants' City of Buffalo; and Proof of Service.

Second, remember to date them, and let me know when you were able to mail them. As I need to keep track of such dates' for any non-compliance by the attorney.

Third, I have enclosed several documents, that you have sent me, regarding medical records' and documents' regarding your vehicle. Plus, I need clear clean documents' from that FORENSIC PURSUIT, surrounding the video.

There are several reasons, why I need clear copies of said documents. One I do not want to use any documentation that is going to be damaging to our case. And will they are not clear documents, some of your medical records' are clearly not favorable to you. For example: On the first documents titled: Discharge History & Physical. I would not want this documents' because it indicates' that while on route, the patient had another tonic-clonic seizure in the ambulance, an according to them these was your third seizure.

Now, there are other documents' in your medical records' that at this point, may indicate that there was drugs' in your body. But until, I receive clear copies. I do not know wish way to go surrounding those documents. *12/15/21*

I am also, working on several other documents' to presence to the court and attorney.

Mr. Felipe Marcus
In Propria Persona
3205 South Parker Road, Apt. 109
Denver, Colorado 80014

1:20-cv-00316-JLS Marcus v.
City of Buffalo, et al.,.

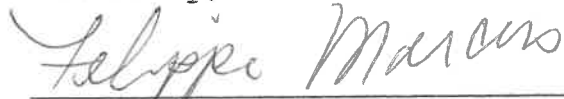
David M. Lee
Assistant Corporation Counsel
65 Niagara Square, 11th Floor
Buffalo, New York 14202

To Whom It May Concern:

Please find an original copy of the following document, that I respectfully request you file with your office:

1. Plaintiffs' First Set of Interrogatories to Defendant's City of Buffalo;
2. Plaintiffs' Requests for Production of Documents to Defendants' City of Buffalo; and
3. Proof of Service.

Sincerely,



Mr. Felipe Marcus
In Propria Persona

Dated: 04/11/2022

Mr. Felipe Marcus
In Propria Persona
3205 South Parker Road, Apt. 109
Denver, Colorado 80014

1:20-cv-00316-JLS Marcus v.
City of Buffalo, et al.,.

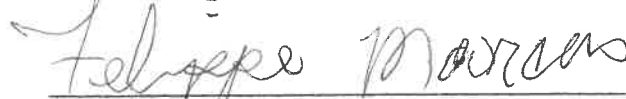
Clerk of the Court
United States District Court
304 United States Courthouse
68 Court Street
Buffalo, New York 14202

To Whom It May Concern:

Please find an original copy of the following document, that
I respectfully request you file with this Honorable Court:

1. Plaintiffs' First Set of Interrogatories to Defendants'
City of Buffalo;
2. Plaintiffs' Requests for Production of Documents to
Defendants' City of Buffalo; and
3. Proof of Service.

Sincerely,



Mr. Felipe Marcus
In Propria Persona

Dated: 04/11/2022

cc: file FM

Part # 156297-435 ARDB EXP 02/23

ORIGIN ID:DENA (720) 234-0067
FELIPPE MARCUS
3205 S PARKER RD
APT 109
DENVER, CO 80014
UNITED STATES US

SHIP DATE: 13APR22
ACTWGT: 0.30 LB
CAD: 6990286/SSF02300

TO CLERK OF THE COURT

USDC - WDNy

2 NIAGARA SQUARE

BUFFALO NY 14202

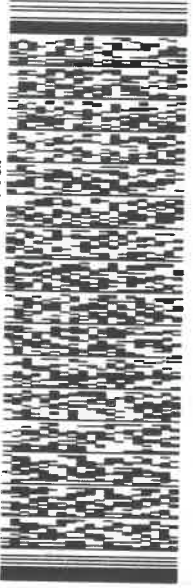
(716) 651-1700

REF:

PO:

DEPT:

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Express



MON - 18 APR 4:30P

EXPRESS SAVER

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14202

NY-US BUF

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